

# PATENT COOPERATION TREATY

From the  
INTERNATIONAL SEARCHING AUTHORITY

To:

see form PCT/ISA/220

# PCT

## WRITTEN OPINION OF THE INTERNATIONAL SEARCHING AUTHORITY (PCT Rule 43bis.1)

Date of mailing  
(day/month/year) see form PCT/ISA/210 (second sheet)

Applicant's or agent's file reference  
see form PCT/ISA/220

**FOR FURTHER ACTION**  
See paragraph 2 below

International application No.  
PCT/B2004/004204

International filing date (day/month/year)  
15.12.2004

Priority date (day/month/year)  
19.12.2003

International Patent Classification (IPC) or both national classification and IPC  
B62D29/00, B62D23/00

Applicant  
FERRARI S.P.A.

### 1. This opinion contains indications relating to the following items:

- ☒ Box No. I Basis of the opinion
- ☒ Box No. II Priority
- ☐ Box No. III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
- ☐ Box No. IV Lack of unity of invention
- ☒ Box No. V Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
- ☐ Box No. VI Certain documents cited
- ☐ Box No. VII Certain defects in the international application
- ☐ Box No. VIII Certain observations on the international application

### 2. FURTHER ACTION

If a demand for international preliminary examination is made, this opinion will usually be considered to be a written opinion of the International Preliminary Examining Authority ("IPEA"). However, this does not apply where the applicant chooses an Authority other than this one to be the IPEA and the chosen IPEA has notified the International Bureau under Rule 66.1bis(b) that written opinions of this International Searching Authority will not be so considered.

If this opinion is, as provided above, considered to be a written opinion of the IPEA, the applicant is invited to submit to the IPEA a written reply together, where appropriate, with amendments, before the expiration of three months from the date of mailing of Form PCT/ISA/220 or before the expiration of 22 months from the priority date, whichever expires later.

For further options, see Form PCT/ISA/220.

### 3. For further details, see notes to Form PCT/ISA/220.

Name and mailing address of the ISA:



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**WRITTEN OPINION OF THE  
INTERNATIONAL SEARCHING AUTHORITY**International application No.  
PCT/IB2004/004204**IAP20 Rec'd PCT/PTO 19 JUN 2006**

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**Box No. I Basis of the opinion**

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1. With regard to the **language**, this opinion has been established on the basis of the international application in the language in which it was filed, unless otherwise indicated under this item.
  - ☒ This opinion has been established on the basis of a translation from the original language into the following language GB, which is the language of a translation furnished for the purposes of international search (under Rules 12.3 and 23.1(b)).
2. With regard to any **nucleotide and/or amino acid sequence** disclosed in the international application and necessary to the claimed invention, this opinion has been established on the basis of:
  - a. type of material:
    - ☐ a sequence listing
    - ☐ table(s) related to the sequence listing
  - b. format of material:
    - ☐ in written format
    - ☐ in computer readable form
  - c. time of filing/furnishing:
    - ☐ contained in the international application as filed.
    - ☐ filed together with the international application in computer readable form.
    - ☐ furnished subsequently to this Authority for the purposes of search.
3. ☐ In addition, in the case that more than one version or copy of a sequence listing and/or table relating thereto has been filed or furnished, the required statements that the information in the subsequent or additional copies is identical to that in the application as filed or does not go beyond the application as filed, as appropriate, were furnished.
4. Additional comments:

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**Box No. II Priority**

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1. ☒ The validity of the priority claim has not been considered because the International Searching Authority does not have in its possession a copy of the earlier application whose priority has been claimed or, where required, a translation of that earlier application. This opinion has nevertheless been established on the assumption that the relevant date (Rules 43*bis*.1 and 64.1) is the claimed priority date.
2. ☐ This opinion has been established as if no priority had been claimed due to the fact that the priority claim has been found invalid (Rules 43*bis*.1 and 64.1). Thus for the purposes of this opinion, the international filing date indicated above is considered to be the relevant date.
3. Additional observations, if necessary:

**WRITTEN OPINION OF THE  
INTERNATIONAL SEARCHING AUTHORITY**

International application No.  
PCT/IB2004/004204

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**Box No. V Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement**

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**1. Statement**

Novelty (N)	Yes: Claims	2-7,10-18
	No: Claims	1,8,9
Inventive step (IS)	Yes: Claims	4-7,12-18
	No: Claims	1-3,8-11
Industrial applicability (IA)	Yes: Claims	1-18
	No: Claims	

**2. Citations and explanations**

**see separate sheet**

**Re Item V.**

**1 Reference is made to the following documents:**

- D1 : US 5 767 476 A (IMAMURA ET AL) 16 June 1998 (1998-06-16)
- D2 : US 4 988 230 A (BANTHIA ET AL) 29 Januari 1991 (1991-01-29)
- D3 : DE 44 07 501 A1 (ADAM OPEL AG, 65428 RUESSELSHEIM, DE) 14  
September 1995 (1995-09-14)
- D4 : GB 1 497 403 A (SLOGGETT C) 12 January 1978 (1978-01-12)
- D5 : US 5 435 110 A (STOL ET AL) 25 July 1995 (1995-07-25)

**2 INDEPENDENT CLAIM 1**

- 2.1 The present application does not meet the criteria of Article 33(1) PCT, because the subject-matter of claim 1 is not new in the sense of Article 33(2) PCT.  
Document D1 discloses (the references in parentheses applying to this document):

A metal frame made up of the union of a plurality of extruded elements (23); the frame comprising a plurality of linear bars (23), which have a constant cross section, are obtained by extrusion, and are joined to one another by means of welding at structural nodes defined by jointing bodies (21, 27); each jointing body (21, 27) having a number of respective pockets (22a, 22b, 22c), which are designed to house corresponding linear bars (23); where the frame is such, that each jointing body (21, 27) is of a box type and is made up of the union of a respective load-bearing element (21), which is substantially obtained by extrusion and has a given direction of extrusion, with at least one pair of plane closing metal sheets (27), which are set perpendicular to the direction of extrusion and are welded to the load-bearing element (21) on opposite sides of the load-bearing element (21) itself..

**3 INDEPENDENT CLAIM 8**

- 3.1 The present application does not meet the criteria of Article 33(1) PCT, because the subject-matter of claim 8 is not new in the sense of Article 33(2) PCT.  
Claim 8 discloses a motor vehicle with a metal frame, having all the features of claim 1. D1 discloses an automotive frame with all these features, cf. point 2.1 .

**4 INDEPENDENT CLAIM 9**

- 4.1 The present application does not meet the criteria of Article 33(1) PCT, because the subject-matter of claim 9 is not new in the sense of Article 33(2) PCT.

Claim 9 discloses a method for the fabrication of a metal frame, having all the features of claim 1.

Document D1 discloses a frame assembly method with all these features, cf. point 2.1.

**5 DEPENDENT CLAIMS 2, 3**

The present application does not meet the criteria of Article 33(1) PCT, because the subject-matter of claims 2 and 3 does not involve an inventive step in the sense of Article 33(3) PCT.

- 5.1 The document D1 is regarded as being the closest prior art to the subject-matter of claim 2, and discloses claim 1 (cf. point 2.1) on which claim 2 is dependant.

The subject-matter of claim 2 therefore differs from this known metal frame in that:

the load-bearing element is formed by the lateral union of a number of simple elements, each of which is obtained directly via extrusion and has a given direction of extrusion parallel to the direction of extrusion of the other simple elements.

However, these features have already been employed for the same purpose in a similar metal frame, see document D2, column 9, lines 28-46, where two simple elements (220 and 222) constitute a jointing body. It would be obvious to the person skilled in the art, namely when the same result is to be achieved, to apply these features with corresponding effect to the load-bearing element in a metal frame according to document D1, thereby arriving at a construction according to claim 2.

- 5.2 The additional feature of claim 3, joining these simple elements by welding is known from D2, column 3, lines 1-4.

**6 DEPENDENT CLAIMS 10, 11**

The present application does not meet the criteria of Article 33(1) PCT, because the subject-matter of claims 2 and 3 does not involve an inventive step in the sense of Article 33(3) PCT.

6.1 Claim 10 discloses a method according to claim 9, for the fabrication of a frame with all the features of claim 2, and is therefore not inventive, cf. points 4.1 and 5.1.

6.2 The additional feature of claim 11, joining these simple elements by welding is known from D2, column 3, lines 1-4.

**7 DEPENDENT CLAIMS 4-7, 12-18**

The combination of the features of dependent claims 4-7, 12-18 are neither known from, nor rendered obvious by, the available prior art.